

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

CRYSTAL GAIL PILA,

Plaintiff,

vs.

BRIAN JIMINEZ and "JANE DOE"
JIMINEZ, husband and wife and the marital
community comprised thereof; NEW WORLD
VAN LINES OF CALIFORNIA, a California
corporation; and NEW WORLD LIMITED,
L.P., an Illinois corporation,

Defendants.

CASE No. 3:21-cv-05404

**NOTICE OF REMOVAL TO FEDERAL
COURT PURSUANT TO 28 USC §1441 &
§1446**

(Clerk's Action Required)

Defendants Brian Jiminez, New World Van Lines of California, and New World Limited L.P. hereby provide notice of removal pursuant to 28 U.S.C § 1332(a) and (c), § 1441(a), § 1446(a), (b) and (d), and Western District LCR 101(a) and (b). The grounds for removal are as follows:

1. On April 13, 2021, Plaintiff filed a Complaint in the Pierce County Superior Court, entitled *Crystal Pila v. Brian Jiminez, et al.*, Cause No. No. 21-2-05501-1, then-asserting claims against diverse and non-diverse defendants.

2. On May 20, 2021, the Court entered an Order dismissing certain defendants

NOTICE OF REMOVAL TO FEDERAL
COURT – (Cause No. 3:21-cv-05404) - 1
mg/JS6369.080/3888525x

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1 pursuant to stipulation of the parties, thereby creating diversity.

2 3. On May 25, 2021, Plaintiff filed an Amended Summons and Amended
3 Complaint adding two diverse defendants – New World Van Lines of California, and New
4 World Limited L.P.

5 4. On May 26, 2021, defense counsel appeared and accepted service of the
6 Amended Summons and Amended Complaint on behalf of Defendants New World Van Lines
7 of California, and New World Limited L.P.

8 5. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint, Amended
9 Complaint, and all other filings in the Superior Court are attached as Exhibit 2 to Jeff M.
10 Sbaih's Declaration.

11
12 **GROUND FOR REMOVAL**

13 6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332
14 because the parties are diverse, the amount in controversy purports to exceeds \$75,000.00 and
15 no defendant is a citizen of Washington.

16 7. Complete diversity jurisdiction exists in that:

- 17 i. Plaintiff is a citizen of the State of Washington.
18 ii. Defendant Brian Jiminez is a citizen of the State of California.
19 iii. Defendant New World Van Lines of California is a California company
20 with its principle place of business in California.
21 iv. Defendant New World Limited L.P. is an Illinois company with its
22 principle place of business in California.

23 8. This action is properly removed because no named defendant is a citizen of
24 Washington, the state in which Plaintiff brought the action. See 28 U.S.C. § 1441(b).
25
26

1 9. Plaintiff claims personal injuries arising out of a motor vehicle accident that
2 occurred on April 14, 2018 in Pierce County, Washington involving her and Brian Jiminez,
3 who was during all relevant times acting within the course and scope of his employment with
4 Defendant New World Van Lines of California.

5 10. In response to a Request for Statement of Damages served under RCW
6 4.28.360, Plaintiff provided notice that she claims economic and non-economic damages in
7 excess of \$75,000.
8

9 **TIMELINESS OF REMOVAL**

10 11. This Notice of Removal is timely under 28 U.S.C. § 1446(b). Defendants filed
11 this Notice of Removal within thirty (30) days after acceptance of service of the Amended
12 Complaint by counsel on behalf of the diverse defendants.

13 **VENUE AND INTRA-DISTRICT ASSIGNMENT**

14 12. Venue is proper in this District, pursuant to 28 U.S.C. § 1441(a) because the
15 Complaint was filed and is currently pending in the Pierce County Superior Court of
16 Washington.
17

18 13. The Western Division is the proper intra-district assignment for this action
19 upon removal because it is the division that embraces the county where the state court action
20 was pending.
21

22 **CONSENT AND NOTICE**

23 14. Defendants collectively consent to this removal.

24 15. Defendants expressly reserve all of defenses and rights, and none of the
25 foregoing shall be construed as in any way conceding the truth of any of Plaintiff's allegations
26 or waiving any of Defendants' defenses.

1 DATED: May 27, 2021.

2 **WILSON SMITH COCHRAN DICKERSON**

3
4 By: s/ Dylan E. Jackson

5 By: s/ Jeff M. Sbaih

6 By: s/ J.C. Miller

7 Dylan E. Jackson, WSBA No. 29220

8 Jeff M. Sbaih, WSBA No. 51551

9 J.C. Miller, WSBA No. 51932

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16 *Attorneys for Defendants Brian Jiminez, New World Van*
17 *Lines of California, and New World Limited L.P.*



CERTIFICATE OF SERVICE

The undersigned certifies that under penalty of perjury under the laws of the State of Washington that on the below date I caused to be served the foregoing document on:

Attorney for Plaintiff

Mark W. Watson
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3623 South 12th Street
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Phone: 253-926-8437
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() Via U.S. Mail
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(X) Via CM/ECF and/or Email: watson@wglaw.comcastbiz.net;
marie@wglaw.comcastbiz.net

SIGNED this 27th day of May, 2021, at Seattle, Washington.

s/ Mark Gockley
Mark Gockley